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BOARD OF PATENT APPEALS
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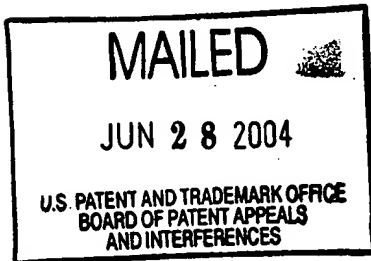
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SARAH E. ZUBEREC, CYNTHIA
DU VAL and BENJAMIN N. RABELOS

Appeal No. 2003-0678
Application No. 09/191,047

ON BRIEF

Before KRASS, RUGGIERO, and GROSS, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1, 3-9, 11-18, 20-35, 37 and 39.

The invention is directed to a speech recognition user interface. In particular, a speech recognition engine is configured to actively listen for and recognize an utterance for a predetermined response time. If it does not recognize an utterance within the predetermined amount of time, the speech recognition

engine enters a dormant state and remains there until a starter word from a vocabulary is recognized.

Audio and visual feedback is also employed to guide a user where a user cannot always view the apparatus, as in a vehicle environment. A visual component is also provided in the form of a graphic that changes with the tolling of the predetermined response period. In this embodiment, the graphic bar diminishes as the time period shortens, disappearing completely when the response time runs out. But, if the speech engine recognizes an utterance within the response time, the user interface plays a confirm sound and restarts the countdown graphic.

Representative independent claim 1 is reproduced as follows:

1. A speech recognition system comprising:

a speech recognition engine to recognize an utterance, the speech recognition engine being configured to actively listen for the utterance for a predetermined response time, the speech recognition engine being configured to enter a dormant state if the utterance is not recognized within the predetermined amount of time, the speech recognition system remaining in the dormant state until recognition of a starter word that is independent of the utterance; and

a user interface to provide visual and auditory feedback indicating whether the speech recognition engine recognizes the utterance, the user interface being configured to: (a) play an audible sound indicating recognition of the utterance; (b) display a countdown graphic that changes with lapsing of the predetermined response time; (c) restart the countdown graphic in the event the speech recognition engine recognizes the utterance.

The examiner relies on the following references:

Salazar et al. (Salazar)   5,774,841   Jun. 30, 1998
French-St. George et al.   6,018,711   Jan. 25, 2000
(French-St. George)   (filed Apr. 21, 1998)
Van Buskirk et al. (Van Buskirk) 6,075,534   Jun. 13, 2000
                             (filed Mar. 26, 1998)

Claims 1, 3-9, 11-18, 20-35, 37 and 39 stand rejected under 35

U.S.C. §103. As evidence of obviousness, the examiner cites

French-St. George and Salazar with regard to claims 1, 3, 6, 9, 13,

16-18, 21-28, 31, 33 and 34[1], adding Van Buskirk with regard to

claims 4, 5, 7, 8, 11, 12, 15, 20, 29, 30, 32, 35 and 37.

Reference is made to the briefs and answer for the respective

positions of appellants and the examiner.

OPINION

In accordance with appellants' grouping of the claims, at

pages 4-5 of the principal brief, claims 1, 3, 5, 6, 9, 12-14,

16-18 and 20-26 (Group I) will stand or fall together; claims 4 and

11 (Group II) will stand or fall together; claims 7, 8 and 15

(Group III) will stand or fall together; claims 27-32 (Group IV)

will stand or fall together; claim 33 (Group V) will stand or fall

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[1] The examiner does not include claims 14 and 39 in the
statement of rejection at page 3 of the answer but it is clear
from page 5 of the answer that claims 14 and 39 should be
included herein.

on its own; and claims 34, 35, 37 and 39 will stand or fall together.

With regard to the claims of Group I, taking claim 1 as representative, we will not sustain the rejection of these claims under 35 U.S.C. §103 because, in our view, the examiner has failed to present a prima facie case of obviousness.

The examiner takes the position that French-St. George teaches the claim recitation, "a speech recognition engine to recognize an utterance, the speech recognition engine being configured to actively listen for the utterance for a predetermined response time." Specifically, the examiner finds this teaching in French-St. George at column 6, line 9 through column 9, line 19.

We have carefully reviewed the cited portions of French-St. George, as well as the rest of the reference, and we find that this reference does not teach or suggest that which is alleged by the examiner. Instead, as clearly shown in Figure 8, specifically, box G, French-St. George delays sending a user's speech input to the speech recognition engine for analysis until *after* the predetermined time period, with the user having an opportunity to review and edit the speech input during this predetermined time period window.

In contrast, the instant claimed invention provides for the
speech recognition engine itself to be listening for an utterance
during the predetermined response time. In French-St. George, the
speech input is collected during the predetermined time period and
the speech recognition engine does not even get that input to
analyze until after the time window has closed. For example, see
column 8, lines 28-30, of the reference:

> When the time value is checked, if the speech recognizer
> recognition window has closed at $T=T_W$ the aggregated
> speech sample is sent for speech recognition (G).

It is unfortunate that French-St. George employed the term
"recognizer" for the input phase of the speech, during which time
the user can review and edit the speech, but it is clear, from the
disclosure of French-St. George, that the speech input is collected
during the predetermined window of time and it is not sent to the
speech recognition engine until after that time period has expired.
The examiner has relied on French-St. George's use of the term
"recognizer" to find that the reference discloses the claimed
"speech recognition engine to recognize an utterance, the speech
recognition engine being configured to actively listen for the
utterance for a predetermined response time...," but this is not
what the reference discloses.

Neither Salazar nor Van Buskirk provides for this deficiency

of French-St. George.

Accordingly, we will not sustain the rejection of claims 1, 3,

5, 6, 9, 12-14, 16-18 and 20-26 under 35 U.S.C. §103.

Since claims 4 and 11 depend from independent claims 1 and 9,

respectively, and Van Buskirk, added for the rejection of claims 4

and 11, does not provide for the deficiency noted <u>supra</u> with regard

to French-St. George, we also will not sustain the rejection of

claims 4 and 11 under 35 U.S.C. §103.

For similar reasons, we also will not sustain the rejection of

claims 7, 8 and 15 (Group III) under 35 U.S.C. §103, the rejection

of claims 27-32 (Group IV) under 35 U.S.C. §103, the rejection of

claim 33 (Group V) under 35 U.S.C. §103, or the rejection of claims

34, 35, 37 and 39 (Group VI) under 35 U.S.C. §103.

While the instant claims differ slightly from each other in

scope, each of the independent claims requires, in one form or

another, a speech "recognition," and not merely inputting speech,

during a response time.

Independent claim 34 describes a changing graphic to indicate

the passage of the response time. French-St. George clearly

describes such a changing graphic in the changing animation of a

speech balloon. But, instant claim 34 presents the graphic

"responsive to recognizing an utterance," and, as explained <u>supra</u>, the time period represented by the graphic in French-St. George is not one during which speech recognition takes place, but, rather, only speech input is occurring during this time period. Thus, French-St. George is not "recognizing" speech during the time the graphic is present to show a diminishing time response period.

Similarly, in instant independent claim 33, it is recited that the graphic returns to original size "after each recognized utterance." In instant independent claim 27, it is recited that certain things happen "when a predetermined response time has expired before the utterance has been recognized." Instant independent claim 23 recites that a sound is emitted when "the fixed response time has expired before the utterance has been recognized." These recitations imply that speech is being "recognized" during the time period when the graphic is shown, but, as explained <u>supra</u>, speech is not being "recognized," but merely "input," during this time in French-St. George.

Accordingly, since the examiner has misinterpreted the teachings of French-St. George, and the other applied references do not supply the deficiency of French-St. George, we will not sustain the rejection of claims 1, 3-9, 11-18, 20-35, 37 and 39 under 35 U.S.C. §103.
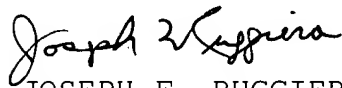
The examiner's decision is reversed.

REVERSED

ERROL A. KRASS   )
Administrative Patent Judge   )
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)
JOSEPH F. RUGGIERO   ) BOARD OF PATENT
Administrative Patent Judge   )   APPEALS
)   AND
)   INTERFERENCES
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ANITA PELLMAN GROSS   )
Administrative Patent Judge   )

EAK/lp

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